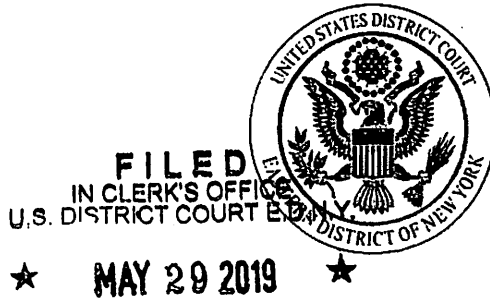


UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF NEW YORK

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Brenna Mahoney
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Chief Deputy



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Emanuel Celler Federal Courthouse
225 Cadman Plaza East
Brooklyn, NY 11201
(718) 613-2270

Alfonse D'Amato Federal Courthouse
100 Federal Plaza
Central Islip, NY 11722
(631) 712-6000
Pro Se: (631) 712-6060

LONG ISLAND OFFICE

Date: 5/29/19
Re: 19-cv-2307(JS)

Dear *pro se* litigant:

The enclosed documents is being returned without docketing or consideration for the following reason(s):

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United States Court of Appeals for the Second Circuit
Thurgood Marshall U. S. Courthouse
40 Foley Square, New York, NY 10007

- () Our records indicate that you are represented by an attorney. As such, you may not file papers or communicate directly with the Court. Please refer this matter to your attorney.
- () The Court cannot act on your submission(s). To the extent that it is your intent to start a new action, or to file a motion, please request the appropriate form(s) from our website or from our office.

(☒) Other:

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A copy of the docket sheet is
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By: 
J. Grady, Deputy Clerk

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

7019 MAY 24 PM 3:29

In re:

JANET TINGLING,

Appellant,

JANET TINGLING,

Appellant,

v.

UNITED STATES DEPARTMENT OF
EDUCATION, AMERICAN EDUCATION
SERVICES, GREAT LAKES
EDUCATIONAL LOAN SERVICES,
NELNET, INC. and NAVIENT
CORPORATION,

Appellees.

CASE NO. 2-cv-02307-JS

Chapter 7

ADV. PRO. NO. 16-08113-AST

RECEIVED

MAY 28 2019

EDNY PRO SE OFFICE

**OBJECTION OF APPELLANT TO ECMC AND UNITED STATES
DEPARTMENT OF EDUCATION REQUESTS FOR EXTENSION TO
SUBMIT BRIEF**

TO: Honorable Joanna Seybert,
United States District Judge
100 Federal Plaza
Central Islip, New York 11722

Dear Judge Seybert,

Janet Tingling, acting as pro se in referenced chapter 7 adversary case relating to appeal from final judgment objects to the request of Educational Credit Management Corporation (ECMC) represented by Mr. Kenneth Baum, and the United States Department of Education (DOE) represented by Ms. Mary Dickman for extension of time to produce brief.

- (i) On April 19, 2019, Appellant filed a notice of appeal and certificate of service in accordance with the Federal Rules of Bankruptcy Procedure ("F.R.B.P.") which

mandates that a notice of appeal must be filed within **14 days** of the entry of the order being appealed along with designated documents including **brief**.

- (ii) ECMC defendant Mr. Baum failed to advise the court that appellant **docketed brief** filed on **April 26, 2019**, with the District court was served on ECMC defendant Mr. Baum, and DOE defendant Ms. Dickman via email on **May 9, 2019**. Therefore, appellant did indeed serve documents in pursuant of Fed. R. Bankr. P. 8018(a)(1). Notification of filing and a **copy of brief** was sent via email to both ECMC (Mr. Baum) and DOE (Ms. Dickman), but they **both failed to respond**.
- (iii) On **May 17, 2019**, ECMC defendant requested an extension via email but I offered no response because for the past 2-year both ECMC and DOE defendants took advantage of the privileges bestowed by judicial system by calling/writing to the Judge's chambers for extension **even without** the consent of Appellant (See, Exhibits 9 & 10) until approval was granted. Unfortunately, the bankruptcy court never challenged the above-mentioned defendants' actions, which was prejudicial towards plaintiff. As a result, ECMC and DOE as now morphed their inexcusable behavior over to the district court of appeals.
- (iv) On May 20, 2019, DOE defendant Ms. Dickman, exercised her trademark pattern of tardiness by joining ECMC defendant Mr. Baum request for an extension via email, which was solidified by the District Court notice filed by Mr. Baum (See, Dkt#5).
- (v) DOE defendant Ms. Mary Dickman, filed her countered designation with the court (See, Dkt#85) and notified ECMC defendant Mr. Baum (See, Dkt#5), but **willfully failed to serve pro se a copy of all docketed items up-to-date**.
- (vi) Paragraph **five** of ECMC defendant Mr. Baum letter filed in District Court (Dkt#5), showed that defendants had prior knowledge that brief was filed but failed to believe it

would trigger the 30-day response time, which is an inexcusable form of negligence. As pro se, if I am held accountable for document request timelines by the court, defendants who are seasoned attorneys should be more cognizant of district courts deadline dates/rules, hence; their request for an extension is inexcusable and should not be granted.

(vii) Both ECMC and DOE defendants failed to provide the court with the verifiable burden of proof to show just cause for an extension, by listing impending cases and deadline dates that will make it impractical for them to prepare within the time ordered by the court.

(viii) A 2-month extension is inexcusable because defendants are familiar with the case for the past 2-years and replying to appellant's brief does not require drawing from any case records that would be deemed voluminous. Therefore, I reject ECMC and DOE request for an extension.

WHEREFORE, Appellant respectfully requests that this Court enter an order denying the ECMC and DOE joint requests for an extension and grant Appellant such other and further relief as this Court deems just and proper.

Dated: May 24, 2019

Respectfully
Janet Tingling (Appellant)
60 Carnegie Ave
Elmont New York 11003

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ MAY 28 2019 ★

In re:

JANET TINGLING,

Appellant,

JANET TINGLING,

Appellant,

v.

UNITED STATES DEPARTMENT OF
EDUCATION, AMERICAN EDUCATION
SERVICES, GREAT LAKES
EDUCATIONAL LOAN SERVICES,
NELNET, INC. and NAVIENT
CORPORATION,

Appellees.

CASE NO. 2: 19-cv-02307-LIS LONG ISLAND OFFICE

Chapter 7

ADV. PRO. NO. 16-08113-AST

**OBJECTION OF APPELLANT TO ECMC AND UNITED STATES
DEPARTMENT OF EDUCATION REQUESTS FOR EXTENSION TO
SUBMIT BRIEF**

TO: Honorable Joanna Seybert,
United States District Judge
100 Federal Plaza
Central Islip, New York 11722

Dear Judge Seybert,

Janet Tingling, acting as pro se in referenced chapter 7 adversary case relating to appeal from final judgment objects to the request of Educational Credit Management Corporation (ECMC) represented by Mr. Kenneth Baum, and the United States Department of Education (DOE) represented by Ms. Mary Dickman for extension of time to produce brief.

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- (iii) On **May 17, 2019**, ECMC defendant requested an extension via email but I offered no response because for the past 2-year both ECMC and DOE defendants took advantage of the privileges bestowed by judicial system by calling/writing to the Judge's chambers for extension **even without** the consent of Appellant (See, Exhibits 9 & 10) until approval was granted. Unfortunately, the bankruptcy court never challenged the above-mentioned defendants' actions, which was prejudicial towards plaintiff. As a result, ECMC and DOE as now morphed their inexcusable behavior over to the district court of appeals.
- (iv) On May 20, 2019, DOE defendant Ms. Dickman, exercised her trademark pattern of tardiness by joining ECMC defendant Mr. Baum request for an extension via email, which was solidified by the District Court notice filed by Mr. Baum (See, Dkt#5).
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would trigger the 30-day response time, which is an **inexcusable** form of negligence. As pro se, if I am held accountable for document request timelines by the court, defendants who are seasoned attorneys should be more cognizant of district courts deadline dates/rules, hence; their request for an extension is inexcusable and should not be granted.

- (vii) Both ECMC and DOE defendants failed to provide the court with the **verifiable** burden of proof to show just cause for an extension, by listing **impending cases** and **deadline dates** that will make it impractical for them to prepare within the time ordered by the court.
- (viii) **Over a month** extension is inexcusable because defendants are familiar with the case for the past 2-years and replying to appellant's brief does not require drawing from any case records that would be deemed voluminous. Therefore, I reject ECMC and DOE request for an extension.

WHEREFORE, Appellant respectfully requests that this Court enter an order denying the ECMC and DOE joint requests for an extension and grant Appellant such other and further relief as this Court deems just and proper.

Dated: May 24, 2019

Respectfully
Janet Tingling (Appellant)
60 Carnegie Ave
Elmont New York 11003

UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF NEW YORK

IN RE

JANET TINGLING

Appellant.

CASE NO. 2:19-cv-2307-JS
Chapter 7

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAY 28 2019 ★

LONG ISLAND OFFICE

JANET TINGLING,

Appellant,

Adv. No. 16-08113-AST
Chapter 7

v.

UNITED STATES DEPARTMENT OF EDUCATION,
AMERICAN EDUCATION SERVICES, GREAT LAKES
EDUCATIONAL LOAN SERVICES, NELNET, INC. and
NAVIENT CORPORATION
Appellee.

CERTIFICATE OF SERVICE

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Janet Tingling vs United States Department of Education et al.

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Dated: 5/24/2018

By: Janet Tingling

Janet Tingling, Plaintiff *pro se*

60 Carnegie Avenue

Elmont, NY 11003

jting3143@aol.com

Kenneth L. Baum
167 Main Street Hackensack, NJ 07601
(201) 853-3030
(201) 584-0297 Facsimile
kbaum@kenbaumdebtsolutions.com

Mary M. Dickman
610 Federal Plaza, 5th Floor
Central Islip, NY 11722
(631) 715-7863
mary.dickman@usdoj.gov

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Central Islip, New York 11722